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8  
9 UNITED STATES BANKRUPTCY COURT  
10 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

11 In re

12 THE LITIGATION PRACTICE GROUP P.C.,  
13  
14 Debtor.

Case No: 8:23-bk-10571-SC

Chapter 11

NOTICE OF MOTION AND SECOND  
MOTION FOR ORDER ESTABLISHING  
STREAMLINED PROCEDURES  
GOVERNING NEW ADVERSARY  
PROCEEDINGS BROUGHT BY  
TRUSTEE'S GENERAL COUNSEL; AND  
REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT; MEMORANDUM OF POINTS  
AND AUTHORITIES; DECLARATION OF  
RICHARD A. MARSHACK

Hearing:

Date: October 23, 2025

Time: 1:30 p.m.

Judge: Hon. Scott C. Clarkson

Place: Courtroom 5C

411 W. Fourth Street  
Santa Ana, CA 92701

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1 TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY JUDGE,  
2 THE OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED PARTIES:

3 PLEASE TAKE NOTICE that on October 23, 2025, at 1:30 p.m., before the Honorable  
4 Scott C. Clarkson, United States Bankruptcy Judge in Courtroom 5C, located at 411 W. Fourth  
5 Street, Santa Ana, CA 92701, Richard A. Marshack, in his capacity as the Trustee of the LPG  
6 Liquidation Trust ("Trustee"), will seek a Second Order Establishing Streamlined Procedures  
7 Governing New Adversary Proceedings filed by Trustee's General Counsel, Marshack Hays Wood  
8 LLP ("Motion"). In support of the Motion, the Trustee submits the following Memorandum of  
9 Points and Authorities, the Declaration of Richard A. Marshack ("Marshack Declaration"), and the  
10 Request for Judicial Notice ("RJN").

11 If you do not oppose the Motion herein, you need take no further action. However, if you  
12 object to the Motion, pursuant to Rule 9013-1 of the Local Bankruptcy Rules, any opposition must  
13 be filed with the court no later than fourteen (14) days prior to the date of the hearing on the Motion.  
14 You must file your opposition with the Clerk of the United States Bankruptcy Court. You must also  
15 serve a copy of your objection upon Aaron E. de Leest and/or Bradford N. Barnhardt no later than  
16 fourteen (14) days prior to the date of the hearing on the Motion at the mailing address indicated in  
17 the upper left corner of the first page of this motion, and upon the Office of the United States Trustee  
18 at 411 West Fourth Street, Suite 7160, Santa Ana, CA 92701. Any failure to timely file and serve an  
19 opposition may result in a waiver of any such opposition and the Court may enter an order granting  
20 the motion without further notice. *See* Loc. Bankr. R. 9013-1(h).

21  
22 DATED: October 1, 2025

MARSHACK HAYS WOOD LLP

23 By: /s/ Aaron E. de Leest  
24 D. EDWARD HAYS  
25 AARON E. DE LEEST  
26 BRADFORD N. BARNHARDT  
27 Attorneys for Chapter 11 Trustee and  
28 Liquidating Trustee, RICHARD A.  
MARSHACK

**1. Introduction**

This Court has broad discretion to enter scheduling and other orders to facilitate the smooth administration of cases, avoid protracted or wasteful pretrial activities, conserve judicial and party resources, and facilitate settlement. This authority includes modifying the timing and extent of discovery and other appropriate matters.

This is the Trustee's second motion seeking to set procedures relating to adversary proceedings commenced by the Trustee's general counsel, Marshack Hays Wood LLP ("MHW"). As discussed below, the Trustee previously sought and obtained an order (defined below as "First Procedures Order") relating to the initial batch of 140 or so complaints filed by MHW between February 25, 2025, and March 19, 2025. MHW has now filed a second batch of no fewer than 24 complaints commencing 24 adversary actions on behalf of the Trustee from September 16, 2025 through September 22, 2025 (collectively, "Second Adversary Actions").<sup>1</sup> Accordingly, the Trustee is seeking a second procedure order (defined below as "Second Procedure Order") relating to the Second Adversary Actions only. The Trustee's goal in obtaining a Second Procedures Order covering the Second Adversary Actions is the same as the First Procedures Order -- to focus on settling the Second Adversary Actions over a period of four months in an effort to reduce the active cases in half. The Trustee expects to achieve this goal by actively negotiating settlements or proving up default judgments.

To facilitate this outcome, the Trustee proposes that certain procedures be implemented streamlining the litigation relating to the Second Adversary Actions, including: (1) imposing a 120-day stay of litigation applicable to all filings except responses to the complaint; and (2) requiring the

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<sup>1</sup> The Second Adversary Actions are Case Nos.: (1) 25-1272 (Docket No. 2493); (2) 25-1273 (Docket No. 2494); (3) Docket No. 25-1274 (Docket No. 2495); (4) 25-1275 (Docket No. 2496); (5) 25-1276 (Docket No. 2497); (6) 25-1277 (Docket No. 2498); (7) 25-1278 (Docket No. 2499); (8) 25-1279 (Docket No. 2500); (9) 25-1280 (Docket No. 2501); (10) 25-1281 (Docket No. 2502); (11) 25-1282 (Docket No. 2503); (12) 25-1283 (Docket No. 2504); (13) 25-1284 (Docket No. 2505); (14) 25-1285 (Docket No. 2506); (15) 25-1286 (Docket No. 2507); (16) 25-1287 (Docket No. 2508); (17) 25-1288 (Docket No. 2509); (18) 25-1289 (Docket No. 2510); (19) 25-1290 (Docket No. 2511); (20) 25-1291 (Docket No. 2513); (21) 25-1292 (Docket No. 2514); (22) 25-1293 (Docket No. 2515); (23) 25-1294 (Docket No. 2516); and (24) 25-1298 (Docket No. 2518).

1 production of specified documents and settlement conferences in all actions during this 120-day  
2 period. The Trustee files this motion to establish procedures as follows.

3 **2. Factual Background**

4 On March 20, 2023, Debtor filed a voluntary petition for relief under Chapter 11 of the  
5 Bankruptcy Code in the United States Bankruptcy Court for the Central District of California,  
6 commencing Case No. 8:23-bk-10571-SC (“Bankruptcy Case”).

7 On May 8, 2023, Richard A. Marshack was appointed as Chapter 11 Trustee of Debtor’s  
8 Bankruptcy Estate and assumed all authority to administer Debtor’s Estate in this case. Docket No.  
9 65.

10 On June 17, 2024, the Court entered an order, Docket No. 1348 (“Disclosure Statement  
11 Order”), approving the solicitation of a disclosure statement, Docket No. 1345, describing the plan  
12 of liquidation jointly proposed by the Trustee and the Committee (as may be amended, modified, or  
13 supplemented from time to time) (“Plan”).

14 On August 29, 2024, the Court conducted a hearing to consider confirmation of the Modified  
15 First Amended Joint Chapter 11 Plan of Liquidation (Dated June 14, 2024), Docket No. 1344, and  
16 confirmed the same at the hearing and later entered the Order of Confirmation on September 9,  
17 2024. Docket No. 1646. The Effective Date occurred on September 24, 2024. Docket No. 1762.

18 Pursuant to the confirmed Plan, the Trustee now serves as Trustee of the LPG Liquidation  
19 Trust, which owns all the litigation claims, including the Estate’s avoidance actions. *See* Docket No.  
20 1344 at 27-29 (Plan’s overview of the LPG Liquidation Trust, including transfer of assets to the  
21 trust).

22 Between February 25, 2025, and March 19, 2025, MHW filed no fewer than 140 complaints  
23 commencing a like number of adversary actions (“First Adversary Actions”) on the Trustee’s behalf.  
24 *See* Docket Nos. 2118, 2119, 2120, 2121, 2122, 2127, 2128, 2129, 2135, 2136, 2137, 2138, 2139,  
25 2140, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161,  
26 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2174, 2175, 2176, 2177, 2178, 2179, 2180,  
27 2181, 2183, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2197, 2198, 2199,  
28

2200, 2201, 2202, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2242, 2243, 2244, 2248, 2249, 2251, 2252, 2253, 2255, 2256, 2259, 2262, 2263, 2264, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2283, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2299, 2302, 2306, 2310, 2318, 2319, 2320, 2322, 2325, 2326, 2327, 2328, 2329, 2330, and 2342.

On April 1, 2025, the Trustee filed a Motion for Order Establishing Streamlined Procedures Governing Adversary Proceedings Brought by the Trustee’s General Counsel. Docket No. 2356.

On April 28, 2025, the Court entered an Order Granting Motion for Order Establishing Streamlined Procedures Governing Adversary Proceedings Brought by the Trustee’s General Counsel and Superseding the ‘Order Re: Early Meeting of Counsel, Status Conference Instructions, and General Procedures’ Filed in Each Affected Adversary Proceeding (“First Procedures Order”). Docket No. 2406.

MHW has filed no fewer than 24 new complaints commencing 24 Adversary Actions on behalf of the Trustee between September 16, 2025 and September 22, 2025 (defined above as the “Second Adversary Actions”).

### **3. The Proposed Procedures**

The following are the proposed procedures (“Procedures”). Interested parties should also refer to the proposed order attached as **Exhibit 1** (“Second Procedures Order”) for the requested Procedures. In the event of any variance between the relief requested in this Motion and the Second Procedures Order entered by the Court, the Second Procedures Order will control.

#### **A. Effect and Substance of the Procedures Order**

All defendants in the Second Adversary Actions will be served with a copy of the Second Procedures Order upon its entry. The Second Procedures Order shall bind all parties. The Second Procedures Order will: (a) require all defendants to timely file an answer or other responsive pleading; (b) stay all litigation until January 14, 2026 (i.e. the approximate first 120 days of the case); (c) require the parties to participate in a joint conference to discharge Rule 26 obligations; and (d) modify any discovery and other pretrial deadlines set forth in the Second Adversary Actions.

**B. Responses to Complaint, 120-Day Stay, Joint Conference**

i. Responses to Complaint: All defendants shall timely file a response to the complaint.

The Trustee shall have authority to grant a two-week extension of the deadline in writing without the need to file any stipulation with the Court. Any stipulation extending the response date beyond 14 days from the date on the summons must be filed with and approved by the Court.

ii. 120-day Stay – Initial Period: Except as otherwise permitted by the Procedures Order, all litigation and formal discovery in the adversary cases will be stayed through January 14, 2026 (“Initial Period”).

iii. Joint Conference: During the Initial Period, the parties shall attend a mandatory joint conference via Zoom or other videoconferencing technology, unless agreed otherwise in writing between the Trustee and the defendant (“Joint Conference”). Within 26 days after entry of the Procedures Order, each defendant or their counsel shall contact Trustee’s counsel via e-mail to chaes@marshackhays.com, amamlyuk@marshackhays.com, cmendoza@marshackhays.com, and spineda@marshackhays.com to schedule the Joint Conference. Unless otherwise agreed to in writing, the Joint Conference must be held within eight weeks after entry of the Procedures Order. The parties shall make all reasonable efforts to schedule a mutually agreeable Joint Conference date and time.

iv. Rule 26 Disclosures: The parties shall be required to exchange the following Rule 26 documents and information at least 7 days prior to the Joint Conference:

Plaintiff: The Trustee and his successors and assigns, in their capacity as plaintiffs in the Second Adversary Actions shall provide:

- a. The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that are reasonably known to relate to the alleged claims or potential defenses, unless the use would be solely for impeachment; and
- b. After a good faith effort, given the Trustee’s circumstances and limitations, identification, copies, or access to all documents, electronically stored



1 information, and tangible things that the Trustee has in its possession, custody,  
2 or control and which are reasonably known to relate to the alleged claims or  
3 potential defenses, unless the use would be solely for impeachment.

4 Defendants: Any defendant in the Second Adversary Actions shall produce:

- 5 a. The name and, if known, the address and telephone number of each individual  
6 likely to have discoverable information—along with the subjects of that  
7 information—that are reasonably known to relate to the alleged claims or  
8 asserted defenses, unless the use would be solely for impeachment;
- 9 b. Copies of all documents, electronically stored information, and tangible things  
10 that the defendant has in his/her possession, custody, or control and which are  
11 reasonably known to relate to the alleged claims or asserted defenses, unless  
12 the use would be solely for impeachment;
- 13 c. To the extent any defendant claims that he or she is financially incapable of  
14 responding to the demand in the complaint and wants the Trustee to consider  
15 such claim in connection with settlement negotiations, such defendant must  
16 also produce sworn financials including a balance sheet and income statement  
17 disclosing all assets, liabilities, income, and expenses. This production of  
18 financial information is not applicable to any defendant that does not want the  
19 Trustee to consider financial inability in connection with settlement  
20 negotiations;
- 21 d. Any insurance agreement under which an insurance business may be liable to  
22 satisfy all or part of a possible judgment in the Adversary Action or to  
23 indemnify or reimburse for payments made to satisfy the judgment; and
- 24 e. Any entity (non-individual) named as a defendant in the Second Adversary  
25 Actions, whether active or terminated/dissolved, shall also produce a complete  
26 list of all members, shareholders, and officers.
- 27  
28

v. Discovery: After expiration of the January 14, 2026, Initial Period, the Parties may propound formal discovery. The deadline to complete discovery, including resolution of any discovery motions, shall be as follows:

- a. For Actions under \$150,000: June 30, 2026;
- b. For Actions between \$150,000-\$500,000: July 30, 2026; and
- c. For Actions more than \$500,000: July 30, 2026.

vi. Motion Cut-off Dates: The dates by which all non-discovery motions must be heard shall be the date that is one week prior to the applicable initial status conference.

vii. Status Conferences: The initial Status Conferences set by the Court in the Adversary Proceedings shall be continued as follows:

- a. For Actions under \$150,000: To a date that is on or after August 30, 2026;
- b. For Actions between \$150,000-\$500,000: To a date that is on or after September 30, 2026; and
- c. For Actions more than \$500,000: To a date that is on or after September 30, 2026.

During the initial status conferences, the Court will determine when and whether a pretrial conference should be set or whether the matter should proceed directly to trial.

viii. Joint Status Report: The Trustee shall include the results of the Joint Conference in the initial Status Report due 14 days prior to the status conference dates set by the Court.

ix. Failure to Prosecute Claims or Defenses: The failure of any party to diligently prosecute their claims or defenses, including failing to timely comply with the Procedures Order, may result in the complaint or answer being stricken. Upon notice and a hearing, a party's failure to appear at the Joint Conference or otherwise comply with the Procedures Order, may result in any response to the complaint being stricken and their default being entered.

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**C. Hearings on Rule 12 Motions, Timing for Dispositive Motions, and  
Motions Common to More than One Adversary Action**

The Trustee requests that the Court order that any Rule 12 motions filed in response to the complaints shall be set for hearing after expiration of the January 14, 2026, Initial Period and prior to February 5, 2026. The Court shall set available omnibus hearing dates for parties to self-calendar hearings on Rule 12 motions between January 14-February 5, 2026, in the Procedures Order.

Additionally, the Trustee requests that the Court order that no dispositive motion such as a motion for judgment on the pleadings or motion for summary judgment may be filed until after expiration of the January 14, 2026, Initial Period. Such scheduling will permit the Trustee to focus on settling adversaries to limit the number of remaining cases and for common issues to be identified addressed by the Parties and resolved by the Court in administratively coordinated hearings.

Finally, to extent that the Trustee has any motions common to more than one Adversary Action, the Trustee as Plaintiff shall file such motion in the main case and in each affected Adversary Action and shall serve all defendants in any adversary action that may be affected by the motion. The Trustee shall indicate in the caption which of the Second Adversary Actions are affected by the motion.

**D. Mediation**

i. The Parties may agree to participate in mediation by filing with the Court a joint Request for Assignment to Mediation Program (LBR Form 701).

ii. Third Amended General Order 95-01 shall govern the procedures for mediation.

iii. The mediation may take place via Zoom or other videoconferencing technology, unless agreed otherwise by the Mediator, the Trustee, and the defendant(s).

iv. At least one counsel for each party and a representative of the defendant(s) having full settlement authority (or the defendant(s) himself/herself) shall attend the mediation.

**E. Filing and Service of Procedures Order**

i. A copy of the entered Procedures Order shall be filed on the docket in the Bankruptcy Case.

ii. A copy of the Procedures Order shall be served along with the Complaint and summons, or, for any defendants that have already been served with a copy of the summons and complaint, within 14 days after entry of the Procedures Order, and filed in each Adversary Action. The Trustee must file proof of service of the Procedures Order in each adversary.

iii. If the Trustee identifies common legal or factual issues that affect more than one adversary proceeding, he may file a motion seeking to administratively coordinate such adversary proceedings for hearings. For example, if more than one defendant raises an affirmative defense that the Trustee believes fails as a matter of law, the Trustee can file a motion seeking to establish procedures for filing an omnibus motion for summary adjudication or summary judgment in a single case (whether a lead adversary or the main bankruptcy case).

#### **4. Legal Argument**

##### **A. Good cause exists to enter the Procedures Order implementing the Procedures.**

Rule 16 of the FRCP, made applicable by Rule 7016 of the FRBP, authorizes courts to enter scheduling and other orders to, *inter alia*, expedite disposition of the action, establish early and continuing control so the case will not be protracted because of lack of management, discourage wasteful pretrial activities, and facilitate settlement. Fed. R. Civ. P. 16(a)(1)-(3), (5).

FRCP 16(b) authorizes courts to enter scheduling and other orders that modify the timing of disclosures under FRCP 26(a) and 26(e)(1) (made applicable by FRBP 7026), modify the extent of discovery, and include other appropriate measures.

Pursuant to U.S. Bankruptcy Court for the Central District of California Third Amended General Order No. 95-01 §§ 5.1 and 5.2 (“General Order”), a dispute may be assigned to mediation upon request in writing by the parties, or by order of the Judge, acting *sua sponte* or on the request of a party, even over the objections of parties. *See also Brown v. United States*, 439 Fed.Appx. 772, 776 n.5 (11th Cir. 2011) (indicating that a district court’s decision whether to order mediation is reviewed for abuse of discretion).

1 Title 11 U.S.C. § 105(a) authorizes the Court to “issue any order, process, or judgment that is  
2 necessary or appropriate to carry out the provisions of this title.” And, a trial court has the “inherent  
3 authority to control its own docket and calendar.” *Yong v. INS*, 208 F.3d 1116, 1119 (9th Cir. 2000).

4 The Procedures will streamline resolution of the Second Adversary Actions, thereby saving  
5 time and Estate resources for the benefit of creditors, without prejudicing the defendants, and will  
6 minimize the Court’s administrative burden in presiding over the Second Adversary Actions. To the  
7 extent that the Procedures deviate from otherwise applicable rules and orders, the Trustee submits  
8 that such variations are warranted in light of the number of the Second Adversary Actions associated  
9 with this Bankruptcy Case, absent which it may be extremely difficult and expensive to administer  
10 this matter.

11 Therefore, the Trustee believes that the Procedures are appropriate under the circumstances  
12 and in the best interest of the Estate’s creditors, as well as other parties to the Second Adversary  
13 Actions, and should be approved.

14 **5. Conclusion**

15 The Trustee’s goal is to reduce the active cases in half in four months. To that end the  
16 Trustee respectfully requests that this Court enter an order:

- 17 1. Granting the Motion;
- 18 2. Entering the Order attached hereto as Exhibit 1; and
- 19 3. For such other relief as the Court deems just and proper.

20  
21 DATED: October 1, 2025

MARSHACK HAYS WOOD LLP

22 By: /s/ Aaron E. de Leest  
23 D. EDWARD HAYS  
24 AARON E. DE LEEST  
25 BRADFORD N. BARNHARDT  
26 Attorneys for Chapter 11 Trustee and  
27 Liquidating Trustee, RICHARD A.  
28 MARSHACK

**Declaration of Richard A. Marshack**

I, RICHARD A. MARSHACK, say and declare as follows:

1. I am an individual over 18 years of age and competent to make this Declaration.
2. I am the former Chapter 11 Trustee for the bankruptcy estate (“Estate”) of The Litigation Practice Group, P.C. (“Debtor”) and the current Liquidating Trustee for the LPG Liquidation Trust (collectively, “Trustee”).
3. I am an attorney at law admitted to practice in this Court and in all courts for the State of California.
4. I make this declaration in support of the Second Motion for Order Establishing Streamlined Procedures Governing New Adversary Proceedings Brought by Trustee (“Motion”). All capitalized terms not otherwise defined in this declaration shall have the meaning ascribed to them in the Motion.
5. If called as a witness, I could and would competently testify to the following of my own personal knowledge.
6. For the following reasons, I believe, in my business judgment, that the proposed Procedures are in the best interest of the Estate.
7. Assets of the Estate and the LPG Liquidation Trust include, *inter alia*, numerous causes of action that I am pursuing on behalf of the Estate.
8. From September 16, 2025 through September 22, 2025, my general counsel Marshack Hays Wood LLP (“MHW”) has filed no fewer than 24 complaints commencing 24 adversary proceedings on my behalf (“Second Adversary Actions”).
9. By the Motion, I request that the Court enter an order implementing procedures as set forth in detail in the Motion (“Procedures”) and set forth in the proposed order attached as Exhibit 1 (“Second Procedures Order”) to govern the prosecution of the Second Adversary Actions filed by MHW. The proposed Procedures are intended to avoid burdening the Court with the logistical challenges of handling the designated Second Adversary Actions, and to permit and facilitate a fair and efficient resolution of such litigation, enabling the parties to bring the Second Adversary Actions

1 to a swift conclusion in an efficient and cost-effective manner.

2 10. The proposed Second Procedures Order will: (a) require all defendants to timely file  
3 an answer or other responsive pleading; (b) stay all litigation until January 14, 2026 (i.e. the  
4 approximate first 120 days of the case); (c) require the parties to participate in a joint conference to  
5 discharge Rule 26 obligations; and (d) modify any discovery and other pretrial deadlines set forth in  
6 the Second Adversary Actions.

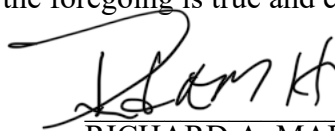
7 11. I believe that the Procedures will maximize the potential for settlement of the Second  
8 Adversary Actions before trial, either through negotiations or as a result of the mediation process.  
9 Absent the Procedures requested in the Motion, the Trustee and the defendants may be forced to  
10 unnecessarily litigate the Second Adversary Actions, which will not benefit the Debtor's creditors,  
11 the defendants, or this Court.

12 12. The Procedures will provide for an efficient means of resolving the Second Adversary  
13 Actions through the informal exchange of information and documentation, and without the  
14 substantial costs of formal discovery and litigation. Further, even if the Procedures do not result in  
15 the resolution of a particular one of the Second Adversary Actions, the process will be beneficial as  
16 it will allow the parties to understand the issues in dispute and therefore be more focused and  
17 efficient going forward.

18 13. On April 1, 2025, as Dk. No. 2356, Trustee's General Counsel filed the first  
19 Procedures Motion with regard to the 140 cases that were filed. To date, Trustee's counsel have  
20 either settled, dismissed, or taken the default of 97 out of 140 cases.

21 14. For the foregoing reasons, I believe, in my business judgment, that the Proposed  
22 Procedures are in the best interest of the Estate, and I respectfully request that the Court grant the  
23 Motion.

24 I declare under penalty of perjury that the foregoing is true and correct. Executed on October  
25 1, 2025.



RICHARD A. MARSHACK

**REQUEST FOR JUDICIAL NOTICE**

Richard A. Marshack, in his capacity as Chapter 11 Trustee for the bankruptcy estate of the Litigation Practice Group P.C. (“Debtor”) and liquidating trustee of the LPG Liquidation Trust (collectively, “Trustee”), in the above-captioned bankruptcy case (“Bankruptcy Case”), requests pursuant to Rule 201 of the Federal Rules of Evidence, that this Court take judicial notice of the following in support of the Second Motion for Order Establishing Streamlined Procedures Governing Adversary Proceedings Brought by Trustee (“Motion”):

1. On March 20, 2023, Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Central District of California, commencing Case No. 8:23-bk-10571-SC (“Bankruptcy Case”).

2. On May 8, 2023, Richard A. Marshack was appointed as Chapter 11 Trustee of Debtor’s Bankruptcy Estate and assumed all authority to administer Debtor’s Estate in this case. Docket No. 65.

3. On June 17, 2024, the Court entered an order, Docket No. 1348 (“Disclosure Statement Order”), approving the solicitation of a disclosure statement, Docket No. 1345, describing the plan of liquidation jointly proposed by the Trustee and the Committee (as may be amended, modified, or supplemented from time to time) (“Plan”).

4. On August 29, 2024, the Court conducted a hearing to consider confirmation of the Modified First Amended Joint Chapter 11 Plan of Liquidation (Dated June 14, 2024), Docket No. 1344, and confirmed the same at the hearing and later entered the Order of Confirmation on September 9, 2024. Docket No. 1646.

5. The Effective Date occurred on September 24, 2024. Docket No. 1762.

6. Pursuant to the confirmed Plan, the Trustee now serves as Trustee of the LPG Liquidation Trust, which owns all the litigation claims, including the Estate’s avoidance actions. *See* Docket No. 1344 at 27-29 (Plan’s overview of the LPG Liquidation Trust, including transfer of assets to the trust).

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7. Between February 25, 2025, and March 19, 2025, MHW filed no fewer than 140 complaints commencing a like number of adversary actions on the Trustee's behalf. *See* Docket Nos. 2118, 2119, 2120, 2121, 2122, 2127, 2128, 2129, 2135, 2136, 2137, 2138, 2139, 2140, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2183, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2197, 2198, 2199, 2200, 2201, 2202, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2242, 2243, 2244, 2248, 2249, 2251, 2252, 2253, 2255, 2256, 2259, 2262, 2263, 2264, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2283, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2299, 2302, 2306, 2310, 2318, 2319, 2320, 2322, 2325, 2326, 2327, 2328, 2329, 2330, and 2342.

8. On April 1, 2025, the Trustee filed a Motion for Order Establishing Streamlined Procedures Governing Adversary Proceedings Brought by the Trustee's General Counsel. Docket No. 2356.

9. On April 28, 2025, the Court entered an Order Granting Motion for Order Establishing Streamlined Procedures Governing Adversary Proceedings Brought by the Trustee's General Counsel and Superseding the 'Order Re: Early Meeting of Counsel, Status Conference Instructions, and General Procedures' Filed in Each Affected Adversary Proceeding. Docket No. 2406.

10. MHW has filed no fewer than 24 new complaints commencing 24 Adversary Actions on behalf of the Trustee from September 16, 2025 through September 22, 2025 ("Second Adversary Actions").

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11. The Second Adversary Actions are Case Nos.: (1) 25-1272 (Docket No. 2493); (2) 25-1273 (Docket No. 2494); (3) Docket No. 25-1274 (Docket No. 2495); (4) 25-1275 (Docket No. 2496); (5) 25-1276 (Docket No. 2497); (6) 25-1277 (Docket No. 2498); (7) 25-1278 (Docket No. 2499); (8) 25-1279 (Docket No. 2500); (9) 25-1280 (Docket No. 2501); (10) 25-1281 (Docket No. 2502); (11) 25-1282 (Docket No. 2503); (12) 25-1283 (Docket No. 2504); (13) 25-1284 (Docket No. 2505); (14) 25-1285 (Docket No. 2506); (15) 25-1286 (Docket No. 2507); (16) 25-1287 (Docket No. 2508); (17) 25-1288 (Docket No. 2509); (18) 25-1289 (Docket No. 2510); (19) 25-1290 (Docket No. 2511); (20) 25-1291 (Docket No. 2513); (21) 25-1292 (Docket No. 2514); (22) 25-1293 (Docket No. 2515); (23) 25-1294 (Docket No. 2516); and (24) 25-1298 (Docket No. 2518).

DATED: October 1, 2025

MARSHACK HAYS WOOD LLP

By: /s/ Aaron E. de Leest  
D. EDWARD HAYS  
AARON E. DE LEEST  
BRADFORD N. BARNHARDT  
General Counsel for Chapter 11 Trustee and  
Liquidating Trustee, RICHARD A.  
MARSHACK

EXHIBIT 1

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7 Attorneys for Liquidating Trustee,  
RICHARD A. MARSHACK

8 UNITED STATES BANKRUPTCY COURT  
9 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

10  
11 In re

12 THE LITIGATION PRACTICE GROUP P.C.,

13  
14 Debtor.  
15  
16  
17  
18  
19

Case No: 8:23-bk-10571-SC

Chapter 11

ORDER GRANTING SECOND MOTION  
FOR ORDER ESTABLISHING  
STREAMLINED PROCEDURES  
GOVERNING ADVERSARY  
PROCEEDINGS BROUGHT BY THE  
TRUSTEE’S GENERAL COUNSEL

Hearing:

Date: October 23, 2025

Time: 1:30 p.m.

Judge: Hon. Scott C. Clarkson

Place: Courtroom 5C

411 W. Fourth Street  
Santa Ana, CA 92701

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21 ///

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24 ///

25 ///

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27 ///

28

SECOND ORDER ESTABLISHING STREAMLINED PROCEDURES GOVERNING ADVERSARY  
PROCEEDINGS BROUGHT BY THE TRUSTEE’S GENERAL COUNSEL

4903-4896-0619v.2

1 The Second Motion for Order Establishing Streamlined Procedures Governing Adversary  
2 Proceedings brought by Trustee's General Counsel [Docket No. \_\_] (the "Motion") filed on  
3 September 30, 2025, by Richard A. Marshack, in his capacity as the Trustee ("Trustee") of the LPG  
4 Liquidation Trust ("Liquidation Trust"), came on for hearing on October 23, 2025, at 1:30 p.m., the  
5 Honorable Scott C. Clarkson, presiding. Aaron E. de Leest of Marshack Hays Wood, LLP appeared  
6 for the Trustee. All other appearances are as set forth on the record at the hearing.

7 The Court having read and considered the Motion and the Court having jurisdiction to  
8 consider the Motion and to grant the relief requested therein pursuant to 28 U.S.C. §§ 157 and  
9 1334; and the matter being a core proceeding under 28 U.S.C. § 157(b)(2); and venue being proper  
10 under 28 U.S.C. §§ 1408 and 1409; and due and proper notice having been given, and it appearing  
11 that no other or further notice need be provided; and approval of the Motion being in the best  
12 interest of the Liquidation Trust, creditors and all parties in interest; and after due deliberation and  
13 sufficient cause appearing therefor:

14 IT IS HEREBY ORDERED that:

- 15 1. The Motion is granted.
- 16 2. The procedures, a copy of which is attached hereto ("Procedures"), are approved and  
17 shall govern all parties to complaints filed by the Trustee's general counsel Marshack Hays Wood  
18 LLP, from September 16, 2025 through September 22, 2025 (the "Second Adversary Actions"),  
19 effective as of the date of this Order.
- 20 3. This order shall be served on all defendants in the Second Adversary Actions and  
21 filed in each of the Second Adversary Actions. The Trustee shall file proof of service of this order  
22 in each of the Second Adversary Actions.
- 23 4. To be clear, the docket in each of the Second Adversary Actions must be complete  
24 as a standalone docket and contain all relevant and applicable orders, instructions, and pleadings,  
25 without any party being required to search elsewhere.
- 26 5. The Trustee shall lodge an order in each of the Second Adversary Actions for each  
27 status conference which is continued pursuant to application of the Procedures.

28  
SECOND ORDER ESTABLISHING STREAMLINED PROCEDURES GOVERNING ADVERSARY  
PROCEEDINGS BROUGHT BY THE TRUSTEE'S GENERAL COUNSEL

4903-4896-0619v.2

- 11 If any Rule 12 motions have already been filed and will be continued as a result of  
12 application of the Procedures, the Trustee shall lodge an appropriate order in each of the Second  
13 Adversary Actions in which such a motion was filed after consultation with the moving parties,  
14 who shall be required to approve the form of the lodged order. The Court expects cooperation and  
15 civility between all parties.

17 || #####

## PROCEDURES

The procedures set forth below (“Procedures”) shall govern the prosecution of complaints filed by general counsel, Marshack Hays Wood LLP, for Richard A. Marshack, in his capacity as the Liquidating Trustee of the LPG Liquidation Trust (“Trustee”) from September 16, 2025 through September 22, 2025 (the “Second Adversary Actions”).<sup>1</sup>

### A. Effect and Substance of the Second Procedures Order

All defendants in the Second Adversary Actions will be served with a copy of the entered Order Granting Second Motion for Order Establishing Streamlined Procedures Governing New Adversary Proceedings filed by Trustee’s General Counsel, Marshack Hays Wood LLP (“Second Procedures Order”). The Second Procedures Order shall supersede any conflicting orders previously entered in the Second Adversary Actions and shall be binding on all parties. The Second Procedures Order will: (a) require all defendants to timely file an answer or other responsive pleading; (b) stay all litigation until January 14, 2026 (i.e. the approximate first 120 days of the case); (c) require the parties to participate in a joint conference to discharge Rule 26 obligations; and (d) modify any discovery and other pretrial deadlines set forth in the Second Adversary Actions.

### B. Responses to Complaint, 120-Day Stay, Joint Conference

i. Responses to Complaint: All defendants shall timely file a response to the complaint. The Trustee shall have authority to grant a two-week extension of the deadline in writing without the need to file any stipulation with the Court. Any stipulation extending the response date beyond 14 days from the date on the summons must be filed with and approved by the Court.

ii. 120-day Stay – Initial Period: Except as otherwise permitted by the Second Procedures Order, all litigation and formal discovery in the adversary cases will be stayed through January 14, 2026 (“Initial Period”).

iii. Joint Conference: During the Initial Period, the parties shall attend a mandatory joint conference via Zoom or other videoconferencing technology, unless agreed otherwise in writing between the Trustee and the defendant (“Joint Conference”). Within 26 days after entry of the Second Procedures Order, each defendant or their counsel shall contact Trustee’s counsel via e-mail to chaes@marshackhays.com, amamlyuk@marshackhays.com, cmendoza@marshackhays.com, and spineda@marshackhays.com to schedule the Joint Conference. Unless otherwise agreed to in writing, the Joint Conference must be held within eight weeks after entry of the Second Procedures Order. The parties shall make all reasonable efforts to schedule a mutually agreeable Joint Conference date and time.

<sup>1</sup> The Second Adversary Actions are Case Nos.: (1) 25-1272 (Docket No. 2493); (2) 25-1273 (Docket No. 2494); (3) Docket No. 25-1274 (Docket No. 2495); (4) 25-1275 (Docket No. 2496); (5) 25-1276 (Docket No. 2497); (6) 25-1277 (Docket No. 2498); (7) 25-1278 (Docket No. 2499); (8) 25-1279 (Docket No. 2500); (9) 25-1280 (Docket No. 2501); (10) 25-1281 (Docket No. 2502); (11) 25-1282 (Docket No. 2503); (12) 25-1283 (Docket No. 2504); (13) 25-1284 (Docket No. 2505); (14) 25-1285 (Docket No. 2506); (15) 25-1286 (Docket No. 2507); (16) 25-1287 (Docket No. 2508); (17) 25-1288 (Docket No. 2509); (18) 25-1289 (Docket No. 2510); (19) 25-1290 (Docket No. 2511); (20) 25-1291 (Docket No. 2513); (21) 25-1292 (Docket No. 2514); (22) 25-1293 (Docket No. 2515); (23) 25-1294 (Docket No. 2516); and (24) 25-1298 (Docket No. 2518).

1           iv. Rule 26 Disclosures: The parties shall be required to exchange the following Rule 26  
2 documents and information at least 7 days prior to the Joint Conference:

3           Plaintiff: The Trustee and his successors and assigns, in their capacity as plaintiffs in the  
4 Second Adversary Actions shall provide:

- 5           a. The name and, if known, the address and telephone number of each individual  
6 likely to have discoverable information—along with the subjects of that  
7 information—that are reasonably known to relate to the alleged claims or  
8 potential defenses, unless the use would be solely for impeachment; and  
9  
10          b. After a good faith effort, given the Trustee’s circumstances and limitations,  
11 identification, copies, or access to all documents, electronically stored  
12 information, and tangible things that the Trustee has in its possession, custody,  
13 or control and which are reasonably known to relate to the alleged claims or  
14 potential defenses, unless the use would be solely for impeachment.

11          Defendants: Any defendant in the Second Adversary Actions shall produce:

- 12          a. The name and, if known, the address and telephone number of each individual  
13 likely to have discoverable information—along with the subjects of that  
14 information—that are reasonably known to relate to the alleged claims or  
15 asserted defenses, unless the use would be solely for impeachment;  
16  
17          b. Copies of all documents, electronically stored information, and tangible things  
18 that the defendant has in his/her possession, custody, or control and which are  
19 reasonably known to relate to the alleged claims or asserted defenses, unless  
20 the use would be solely for impeachment;  
21  
22          c. To the extent any defendant claims that he or she is financially incapable of  
23 responding to the demand in the complaint and wants the Trustee to consider  
24 such claim in connection with settlement negotiations, such defendant must  
25 also produce sworn financials including a balance sheet and income statement  
26 disclosing all assets, liabilities, income, and expenses. This production of  
27 financial information is not applicable to any defendant that does not want the  
28 Trustee to consider financial inability in connection with settlement  
negotiations;  
  
23          d. Any insurance agreement under which an insurance business may be liable to  
24 satisfy all or part of a possible judgment in the Adversary Action or to  
25 indemnify or reimburse for payments made to satisfy the judgment; and  
26  
27          e. Any entity (non-individual) named as a defendant in the Second Adversary  
28 Actions, whether active or terminated/dissolved, shall also produce a complete  
list of all members, shareholders, and officers.



1 v. Discovery: After expiration of the January 14, 2026, Initial Period, the Parties may  
2 propound formal discovery. The deadline to complete discovery, including resolution of any  
discovery motions, shall be as follows:

3 a. For Actions under \$150,000: June 30, 2026;

4 b. For Actions between \$150,000-\$500,000: July 30, 2026; and

5 c. For Actions more than \$500,000: July 30, 2026.

6 vi. Motion Cut-off Dates: The dates by which all non-discovery motions must be heard  
7 shall be the date that is one week prior to the applicable initial status conference.

8 vii. Status Conferences: The Status Conferences set by the Court in the summonses shall  
9 be continued as follows:

10 a. For Actions under \$150,000: To a date that is on or after August 30, 2026;

11 b. For Actions between \$150,000-\$500,000: To a date that is on or after  
12 September 30, 2026; and

13 c. For Actions more than \$500,000: To a date that is on or after September 30,  
14 2026.

15 During the initial status conferences, the Court will determine when and whether a pretrial  
conference should be set or whether the matter should proceed directly to trial.

16 viii. Joint Status Report: The Trustee shall include the results of the Joint Conference in  
17 the initial Status Report due 14 days prior to the status conference dates set by the Court.

18 ix. Failure to Prosecute Claims or Defenses: The failure of any party to diligently  
19 prosecute their claims or defenses, including failing to timely comply with the Second Procedures  
20 Order, may result in the complaint or answer being stricken. Upon notice and a hearing, a party's  
failure to appear at the Joint Conference or otherwise comply with the Second Procedures Order,  
may result in any response to the complaint being stricken and their default being entered.

21 **C. Hearings on Rule 12 Motions, Timing for Dispositive Motions, and**  
22 **Motions Common to More than One Adversary Action**

23 Any Rule 12 motions filed in response to the complaints shall be set for hearing after  
24 expiration of the January 14, 2026, Initial Period and prior to February 5, 2026. The Court shall set  
25 available omnibus hearing dates for parties to self-calendar hearings on Rule 12 motions between  
January 14-February 5, 2026, in the Second Procedures Order.

26 Additionally, no dispositive motion such as a motion for judgment on the pleadings or  
27 motion for summary judgment may be filed until after expiration of the January 14, 2026, Initial  
28 Period. Such scheduling will permit the Trustee to focus on settling adversaries to limit the number

1 of remaining cases and for common issues to be identified addressed by the Parties and resolved by  
2 the Court in administratively coordinated hearings.

3 To the extent that the Trustee has any motions common to more than one Adversary Action,  
4 the Trustee as Plaintiff shall file such motion in the main case and in each affected Adversary Action  
5 and shall serve all defendants in any adversary action that may be affected by the motion. The  
6 Trustee shall indicate in the caption which Second Adversary Actions are affected by the motion.

#### 7 **D. Mediation**

8 i. The Parties may agree to participate in mediation by filing with the Court a joint  
9 Request for Assignment to Mediation Program (LBR Form 701).

10 ii. Third Amended General Order 95-01 shall govern the procedures for mediation.

11 iii. The mediation may take place via Zoom or other videoconferencing technology,  
12 unless agreed otherwise by the Mediator, the Trustee, and the defendant(s).

13 iv. At least one counsel for each party and a representative of the defendant(s) having  
14 full settlement authority (or the defendant(s) himself/herself) shall attend the mediation.

#### 15 **E. Filing and Service of Second Procedures Order**

16 i. A copy of the entered Second Procedures Order shall be filed on the docket in the  
17 Bankruptcy Case.

18 ii. A copy of the Second Procedures Order shall be served along with the complaint and  
19 summons, or, for any defendants that have already been served with a copy of the summons and  
20 complaint, within 14 days after entry of the Second Procedures Order, and filed in each Adversary  
21 Action. The Trustee must file proof of service of the Second Procedures Order in each adversary.

22 iii. If the Trustee identifies common legal or factual issues that affect more than one  
23 adversary proceeding, he may file a motion seeking to administratively coordinate such adversary  
24 proceedings for hearings. For example, if more than one defendant raises an affirmative defense that  
25 the Trustee believes fails as a matter of law, the Trustee can file a motion seeking to establish  
26 procedures for filing an omnibus motion for summary adjudication or summary judgment in a single  
27 case (whether a lead adversary or the main bankruptcy case).  
28

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION AND SECOND MOTION FOR ORDER ESTABLISHING STREAMLINED PROCEDURES GOVERNING ADVERSARY PROCEEDINGS BROUGHT BY TRUSTEE'S GENERAL COUNSEL; AND REQUEST FOR JUDICIAL NOTICE IN SUPPORT; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF RICHARD A. MARSHACK** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **October 1, 2025**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:** On **October 1, 2025**, I served<sup>1</sup> the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

**DEBTOR – MAIL REDIRECTED TO TRUSTEE**

THE LITIGATION PRACTICE GROUP P.C.

17542 17TH ST

SUITE 100

TUSTIN, CA 92780-1984

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL:** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **October 1, 2025**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

**VIA PERSONAL DELIVERY**

**PRESIDING JUDGE'S COPY**

HONORABLE SCOTT C. CLARKSON

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

RONALD REAGAN FEDERAL BUILDING AND COURTHOUSE

411 WEST FOURTH STREET, SUITE 5130 / COURTROOM 5C

SANTA ANA, CA 92701-4593

**VIA EMAIL:**

**MONITOR**

Nancy Rapoport

nancy.rapoport@unlv.edu

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

October 1, 2025

Date

Cythia Bastida

Printed Name

/s/ Cynthia Bastida

Signature

<sup>1</sup> On October 1, 2025, I caused Stretto to serve all interested parties via U.S. mail,

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): CONTINUED:**

- **INTERESTED PARTY COURTESY NEF: Joseph E Addiego** joeaddiego@dwt.com, ayshalewis@dwt.com;kimberlysimmonsgruene@dwt.com;ryanrubio@dwt.com
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